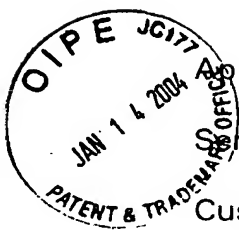


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Martin *et al.*  
Serial No.: 10/717,049  
Cust. No.: 24961  
Filed: November 18, 2003  
For: **HETEROCYCLIC  
MODULATORS OF  
NUCLEAR RECEPTORS**  
Art Unit: Not assigned yet  
Examiner: Not assigned yet

INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits of the Request for Continued Examination for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. The Form PTO-1449 (12 pages) is provided herewith. Copies of the references listed without an asterisk on the Form PTO-1449 are not provided herewith as they previously have been provided in connection with U.S. Serial No. 10/329,668, which is relied upon for an earlier filing date in accordance with 35 U.S.C. §120.

The documents listed on the Form PTO-1449 are in the English language

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**Martin *et al.***

**INFORMATION DISCLOSURE STATEMENT**

with the exception of Items BV, CI, CJ, CK, CL, CM, CN, CO, CP, CS, and CT. Items BV, CL, CM, CN, CO, and CP (JP 200113617, JP 527356, JP 53129633, and JP 6234639, respectively), which are in the Japanese language, were provided with English language Derwent abstracts (Items DN, DO, DR, and DQ, respectively). Items CN and CP (JP 6220053 and JP 6293642, respectively), which are in the Japanese language, were provided with English language equivalents (Items AO and AR, respectively). Item CI (FR 1449800), which is in the French language, was provided with an English language STN abstract (Item FT). Item CK (FR 2117337), which is in the French language, was provided with an English language Derwent abstract (Item DP). Items CJ and CS (DE 1908570 and WO 9104974, respectively), which are in the German language, were provided with English language equivalents (Items H and AL, respectively). Item DA (Augustin *et al.*), which is in the German language, was provided with an English language STN abstract (Item FV). Items DX and DY (Fedetov, K.V. and Fedetov *et al.*, respectively), which are in the Russian language, were provided with English language STN abstracts (Items FS and FU, respectively). Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Applicant also makes known to the Examiner the following copending U.S. and International applications, which are commonly owned and/or have one or more inventors in common in the instant application:

<u>U.S.S.N.(App. no.)</u>	<u>Filing Date</u>	<u>Docket No.</u>
10/447,302	5/26/03	Unknown

Applicant also makes known to the Examiner the following now-expired provisional applications, and all available data concerning the corresponding U.S. utility and PCT applications filed therefrom:

<u>Provisional:</u>			<u>Corresponding U.S. Utility:</u>		
<u>Appl. No.</u>	<u>Filing Date</u>	<u>Docket No.</u>	<u>Appl. No.</u>	<u>Filing Date</u>	<u>Docket No.</u>
60/389,662	06/18/02	Unknown	Unknown	Unknown	Unknown

**U.S.S.N 10/717,049**

**Martin *et al.***


**INFORMATION DISCLOSURE STATEMENT**

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

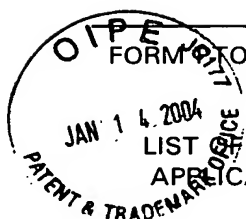
\* \* \*

Applicant respectfully requests that the Examiner review the foregoing references and information and that they be made of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:   
Dale L. Rieger  
Registration No. 43,045

**Dated: January 13, 2004**  
Attorney Docket No. 38205-3001B  
**Address all correspondence to:**  
Stephanie Seidman, Esq.  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
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FORM PTO-1449

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## U.S. PATENT DOCUMENTS

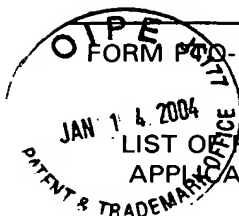
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	B	0	1	2	0	1	3	7	08/29/02	Houze <i>et al.</i>	540	589	08/31/01
	C	0	1	3	2	2	2	3	09/19/02	Forman <i>et al.</i>	435	4	10/05/01
**	D	0	1	8	1	4	2	0	09/25/03	Bayne <i>et al.</i>	514	63	12/20/02
**	E	0	2	2	8	6	0	7	12/11/03	Wagner <i>et al.</i>	435	6	04/14/03
	F	2	3	8	8	9	6	3	01/21/38	Fre <i>et al.</i>	260	240	01/22/37
	G	2	4	5	4	6	2	9	11/23/48	Brooker	260	240	01/27/40
	H	3	6	2	7	5	3	4	12/14/71	Shiba <i>et al.</i>	96	135	02/21/68
	I	3	6	3	5	9	6	4	01/18/72	Skorcz <i>et al.</i>	260	247.1	02/10/69
	J	3	7	1	0	7	9	5	01/16/73	Higuchi <i>et al.</i>	128	260	09/29/70
	K	4	0	4	4	1	2	6	08/23/77	Cook <i>et al.</i>	424	243	07/09/76
	L	4	0	9	3	7	3	0	06/06/78	Butti <i>et al.</i>	424	270	06/28/76
	M	4	2	3	1	9	3	8	11/04/80	Monaghan <i>et al.</i>	260	343.5	06/15/79
	N	4	2	5	8	1	8	5	03/24/81	Nakao <i>et al.</i>	544	114	04/14/80
	O	4	3	2	8	2	4	5	05/04/82	Yu <i>et al.</i>	424	305	02/13/81
	P	4	3	4	6	2	2	7	08/24/82	Terahara <i>et al.</i>	560	119	06/05/81
	Q	4	3	5	8	6	0	3	11/09/82	Yu	560	2	04/16/81
	R	4	3	6	4	9	2	3	12/21/82	Cook <i>et al.</i>	424	46	04/30/81
	S	4	4	0	9	2	3	9	10/11/83	Yu	424	305	01/21/82

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **HETEROCYCLIC MODULATORS OF NUCLEAR RECEPTORS**



PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR  
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ATTY. DOCKET NO.  
38205-3001B

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EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	T	4	4	1	0	5	4	5	10/18/83	Yu <i>et al.</i>	424	305	05/10/82
	U	4	4	1	4	2	0	9	11/08/83	Cook <i>et al.</i>	424	243	06/13/77
	V	4	4	4	4	7	8	4	04/24/84	Hoffman <i>et al.</i>	424	279	12/18/80
	W	4	5	2	2	8	1	1	06/11/85	Eppstein <i>et al.</i>	514	2	07/08/82
	X	4	9	1	6	1	2	8	04/10/90	Jonas <i>et al.</i>	514	213	06/06/88
	Y	4	9	3	3	3	3	6	06/12/90	Martin <i>et al.</i>	514	222.5	08/09/88
	Z	5	0	3	3	2	5	2	07/23/91	Carter	53	425	07/30/90
	AA	5	0	5	2	5	5	8	10/01/91	Carter	206	439	07/27/90
	AB	5	0	7	0	0	1	2	12/03/91	Nolan <i>et al.</i>	435	6	03/30/88
	AC	5	0	7	1	7	7	3	12/10/91	Evans <i>et al.</i>	436	501	10/20/87
	AD	5	1	7	1	8	5	1	12/15/92	Kim <i>et al.</i>	544	50	03/25/91
	AE	5	1	7	7	0	8	0	01/05/93	Angerbauer <i>et al.</i>	514	277	11/26/91
	AF	5	2	2	1	6	2	3	06/22/93	Legocki <i>et al.</i>	435	252.3	07/19/89
	AG	5	2	7	3	9	9	5	12/28/93	Roth	514	422	02/26/91
	AH	5	2	8	3	1	7	3	02/01/94	Fields <i>et al.</i>	435	6	01/24/90
	AI	5	2	9	8	4	2	9	03/29/94	Evans <i>et al.</i>	436	501	12/10/91
	AJ	5	3	2	3	9	0	7	06/28/94	Kalvelage	206	531	03/15/93
	AK	5	3	5	4	7	7	2	10/11/94	Kathawala	514	414	11/24/93
	AL	5	4	1	4	0	8	8	05/09/95	Von Der Saal <i>et al.</i>	546	158	09/04/90

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	AM	5	4	6	8	6	1	4	11/21/95	Fields <i>et al.</i>	435	6	02/01/94
	AN	5	4	7	6	9	4	5	12/19/95	Ikegawa <i>et al.</i>	548	152	10/19/93
	AO	5	6	1	8	8	3	1	04/08/97	Shishido <i>et al.</i>	514	366	05/16/94
	AP	5	6	5	0	2	8	9	07/22/97	Wood	435	8	01/31/94
	AQ	5	6	6	7	9	7	3	10/07/97	McElroy <i>et al.</i>	514	366	06/07/95
	AR	5	6	7	0	5	3	0	09/23/97	Chen <i>et al.</i>	514	366	06/07/95
	AS	5	6	7	4	7	1	3	10/07/97	McElroy <i>et al.</i>	435	69.7	06/02/95
	AT	5	6	8	3	8	8	8	11/04/97	Campbell	435	8	07/05/94
	AU	5	7	0	7	7	9	4	01/13/98	Fabricius	430	572	11/22/96
	AV	5	7	4	1	6	5	7	04/21/98	Tien <i>et al.</i>	435	18	03/20/95
	AW	5	7	5	7	6	6	1	05/26/98	Surville	364	506	07/01/94
	AX	5	8	4	3	7	4	6	12/01/98	Tatsumi <i>et al.</i>	435	189	01/13/97
	AY	5	9	5	5	6	0	4	09/21/99	Tsien <i>et al.</i>	540	222	10/21/97
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	BA	6	1	8	4	2	1	5	02/06/01	Elias <i>et al.</i>	514	182	08/24/99
	BB	6	1	8	7	8	1	4	02/13/01	Elias <i>et al.</i>	514	531	10/29/99
	BC	6	2	9	1	6	7	6	09/18/01	Burke <i>et al.</i>	546	48	03/02/00
	BD	6	3	1	6	5	1	0	11/13/01	Sperber	521	94	04/05/00
	BE	6	4	1	6	9	5	7	07/09/02	Evans <i>et al.</i>	435	7.1	10/24/00

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	BG	6	4	5	8	7	8	9	10/01/02	Forood <i>et al.</i>	514	235.5	09/29/99
	BH	6	5	2	1	6	6	6	02/18/03	Sircar <i>et al.</i>	514	576	07/19/00

## FOREIGN PATENT DOCUMENTS

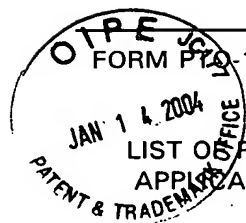
EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes No	
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	BT	0	1	2	3	8	8	7	04/05/01	PCT				

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	CI	1	4	4	9	8	0	0	07/02/64	FR				+
	CJ	1	9	0	8	5	7	0	02/20/69	DE				X
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	CM	53	1	2	9	6	3	3	11/11/78	JP				+

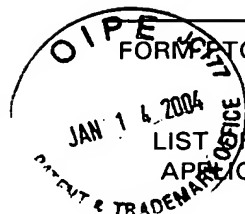
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													Yes	No
	CN	6	2	2	0	0	5	3	08/09/94	JP				X
	CO	6	2	3	4	6	3	9	08/23/94	JP				+
	CP	6	2	9	3	6	4	2	10/21/94	JP				X
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	CR	8	6	0	3	7	4	9	07/03/86	PCT				
	CS	9	1	0	4	9	7	4	04/18/91	PCT				X
	CT	9	5	1	8	3	8	0	07/06/95	PCT				
	CU	9	7	0	7	1	0	1	02/27/97	PCT				
	CV	9	8	3	2	4	4	4	07/30/98	PCT				
	CW	9	9	2	7	3	6	5	06/03/99	PCT				

+ = An English Derwent Abstract or STN Chem Abstract is provided.

X = An English language equivalent is provided.

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

CX	"Hypolipidemics, HMG-CoA Reductase Inhibitors," <i>Physicians' Desk Reference</i> (PDR), 50th Ed, (Medical Economics Co), pp. 216 (1996)
CY	Alberti <i>et al.</i> , "Structural characterisation of the mouse nuclear oxysterol receptor genes LXR $\alpha$ and LXR $\beta$ ", <i>Gene</i> , <u>243</u> :93-103 (2000)
CZ	Ansel, H.C., (Eds.), in <i>Introduction to Pharmaceutical Dosage Forms Fourth Edition</i> , Philadelphia: Lea & Febiger, pp.125 (1985)

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Title: **HETEROCYCLIC MODULATORS OF NUCLEAR RECEPTORS**

FORM PTO-1449

ATTY. DOCKET NO.  
38205-3001BSERIAL NO.  
10/717,049CONFIRM NO.  
Unassigned.APPLICANT  
Martin *et al.*CUSTOMER NO.  
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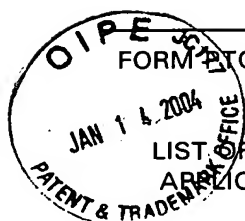
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DC	Bellec <i>et al.</i> , "Dicationic State of Dithiadiazafulvalene within a TCNQ Charge-Transfer Complex: Generation and Characterization", <i>Chem. Mater.</i> , <u>11</u> :3147-3153 (1999)
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DJ	Coniff, R. and A. Krol, "Acarbose: A Review of US Clinical Experience", <i>Clinical Therapeutics</i> , <u>19(1)</u> :16-26 (1997)

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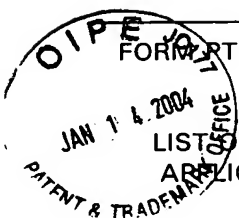
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DL	Dains <i>et al.</i> , "The Reactions of the Formamidines. VIII. Some Thiazolidone Derivatives", <i>J. Am. Chem. Soc.</i> , <u>43</u> :613-618 (1921)
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DO	Derwent WPI Acc. No. 9387756 citing Japanese Patent 5-27356, "Silver halide photographic material - contains silver halide particles spectrally sensitised with novel merocyanine dye".
DP	Derwent# 000911469, WPI Acc. No. 1972-71638T/197245 (citing French Patent Number 2117337), "Merocyanine dye sensitisers - contg basic and acidic gps for silver halide emulsions".
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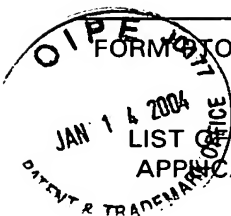
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DV	Evans, R.M., "The Steroid and Thyroid Hormone Receptor Superfamily", <i>Science</i> , 240:889-895 (1988)
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EA	Forman <i>et al.</i> , "Identification of a Nuclear Receptor That is Activated by Farnesol Metabolites", <i>Cell</i> , 81:687-693 (1995)
EB	Gangjee <i>et al.</i> , "Synthesis and Biological Activities of Tricyclic Conformationally Restricted Tetrahydropyrido Annulated Furo [2,3-d] pyrimidines as Inhibitors of Dihydrofolate Reductases", <i>J. Med. Chem.</i> , 41:1409-1416 (1998)
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EI	Heyman <i>et al.</i> , "9-Cis Retinoic Acid is a High Affinity Ligand for the Retinoid X Receptor", <i>Cell</i> , <u>68</u> :397-406 (1992)
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EK	Humphlett, W.J., and R.W. Lamon, "4-Thiazoline-2-thiones. I. The Structure of Intermediate 4-Hydroxythiazolidine-2-thiones", <i>J. Org. Chem.</i> , <u>29</u> :2146-2148 (1964)
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EO	Joslin, E.P., "Arteriosclerosis and Diabetes", <i>Annals of Clinical Medicine</i> , <u>Vol V. No. 12</u> : 1061-1080 (1927)
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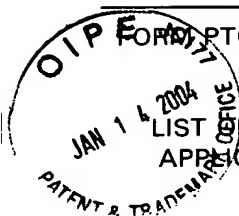
FC	Mangelsdorf <i>et al.</i> , "Characterization of three RXR genes that mediate the action of 9- <i>cis</i> retinoic acid", <i>Genes and Development</i> , <u>6</u> :329-344 (1992)
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FE	Mukherjee <i>et al.</i> , "Ligand and coactivator recruitment preferences of peroxisome proliferator activated receptor $\alpha$ ", <i>Journal of Steroid Biochemistry and Molecular Biology</i> , <u>81</u> :217-225 (2002)
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FH	Owicki, "Fluorescence and Anisotropy in High Throughput Screening: Perspectives and Primer," <i>Journal of Biomolecular Screening</i> , <u>5</u> (5):297-306 (2000)
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FJ	Peet <i>et al.</i> , "The LXRs: a new class of oxysterol receptors", <i>Curr. Opin. Genet. Dev.</i> , <u>8</u> (5):571-575 (1998)
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FN	Seada <i>et al.</i> , "Synthesis and Biological Activity of Some New Thiazolidinones," <i>Indian J. Heterocycl. Chem.</i> , <u>3</u> :81-86 (1993)

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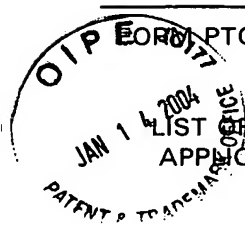
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Title: **HETEROCYCLIC MODULATORS OF NUCLEAR RECEPTORS**





PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

ATTY. DOCKET NO.  
38205-3001B

SERIAL NO.  
10/717,049

CONFIRM NO.  
Unassigned.

APPLICANT  
Martin *et al.*

CUSTOMER NO.  
24961

FILING DATE  
November 18, 2003

GROUP  
Unassigned.

\* If an asterisk is placed beside the reference number, a copy is provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. § 1.98(d).

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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